

**To:** Kaetzel, Rhonda[Kaetzel.Rhonda@epa.gov]  
**From:** McClintock, Katie  
**Sent:** Wed 2/17/2016 3:12:41 PM  
**Subject:** RE: TRI Reporting Thresholds  
Section 303 Guidance.PDF

Hi Rhonda. As you can see I headed to bed before this email came in. I hope you got some sleep too, see answers in green below.

HAPS – Hazardous Air pollutants. These metals we are discussing are all haps. Here is the list of federally recognized HAPs). The state usually recognizes more.  
<http://www3.epa.gov/ttn/atw/orig189.html>. The guidance talks about “substantial” and it specifically says it doesn’t have to prove a certain number of people impacted or level of impact. Under the “imminent” section it says “this permits the agency to act to seek abatement of emissions reasonably believed to be carcinogenic, even though it is uncertain how long it would take for the emissions to result in actual harm to the individual.”

Hope you have a good day and get a little bit of vacation. I’m about to head out to Spectrum.

**From:** Kaetzel, Rhonda  
**Sent:** Tuesday, February 16, 2016 11:31 PM  
**To:** McClintock, Katie <McClintock.Katie@epa.gov>  
**Subject:** RE: TRI Reporting Thresholds

See questions below...

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**Rhonda Kaetzel**

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**From:** McClintock, Katie  
**Sent:** Tuesday, February 16, 2016 3:14 PM  
**To:** Kaetzel, Rhonda <[Kaetzel.Rhonda@epa.gov](mailto:Kaetzel.Rhonda@epa.gov)>  
**Subject:** FW: TRI Reporting Thresholds

TRI program information is below – I think this might be more specific than you wanted, but people don't report if they don't meet this criteria (or don't think they met it).

As it relates to the regulations, here is how the system works:

EPA does not have national ambient air quality standards for toxics. We publish rules and people have to comply with that rule if they are subject. If sources have over 10 tpy of 1 HAP *[RSK]* so these metals are not on EPA's HAPs list, so does this not apply because they aren't HAP or because they don't meet the threshold? These metals are on the hap list. This threshold is about total amount of HAPS and according to Bullseye they don't even melt 10 tons of total metals (and release significantly less). We are still getting records to verify this. or 25 tons of total HAPS then they have to get additional permitting (Title V) but would still not have applicable requirements unless a rule applied to them. The CAA 303 authority (and other authorities under other programs) is the gap that exists if there is a source that is causing an imminent and substantial endangerment regardless of the existing rules.

Here are the rules that might apply to glass, FYI:

**Part 61 subpart N *[RSK]*** Is this of Title 5 or the 303 authority? Same for the next question part...– Neither. Our part 61 and part 63 rules are air toxics rules for specific source categories. I am brushing up on my history because we don't use a lot of part 61 outside asbestos, but my memory is that the goal of part 61 was to have a health based standard but they were taking too long to promulgate so we switched to the part 63 technology based standards. It was earlier to figure out a problem category and determine the maximum achievable control technology (mact) for that pollutant. Both Part 61 and Part 63 have rules that are designed for major sources >10 tons one hap, 25 tons total haps, which would be subject to title v) and what we call Area sources, which are less than those thresholds. Both of these rules apply to area thresholds, which means they are subject if they meet the definitions and they don't have to emit

over that threshold. Probably doesn't matter now, but part 63 has a once-in-always-in policy, so if you are over the threshold and the standard makes you apply controls that brings your emissions under it, you are still subject for ever. covers only arsenic emission and no standard if less than 2.5 tons/yr for older units and 0.44 tpy for newer per furnace. There is no control requirement if you are below and Bullseye was below 2.5 for ALL furnaces in usage. I do think there units probably should be subject to the lower limit but haven't gotten that far. Arsenic is something that doesn't need to be used if you reformulate and Uroboros was already not using. I'm guessing we'll find a mix at the other facilities but I don't think compliance with this limit will be difficult.

Part 63 Subpart SSSSSS – Is an area source rule (no emission threshold) that covers all metals from glass manufacturing but only covers “continuous operation.”

## Ex. 5 - Deliberative Process

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I am getting a lot more questions again about how big of an issue the levels measured are. I know we talked earlier about this, but is it fair to say that if the values monitoring in October ARE representative of all operations that this would be an imminent and substantial endangerment or do you have different words for things? *[RSK]* It really depends on who you are talking about... within a half mile of a facility? Residents who live there? There is a theoretical increased risk of cancer... is it so great we can measure it with an epidemiological study? I don't know. I will ask about this.. Good point about affected population. When we talk about using our 303 authority, I am not sure what questions we are asking. I am not sure if you have time to read it, but our 303 guidance is really well written and might help you understand what our “bar” for action is and the kinds of things we are looking for in terms of endangerment. I'm attaching.

katie

**From:** Pope, Anne

**Sent:** Tuesday, February 16, 2016 11:23 AM

**To:** Barnett, Keith <[Barnett.Keith@epa.gov](mailto:Barnett.Keith@epa.gov)>; Benedict, Kristen <[Benedict.Kristen@epa.gov](mailto:Benedict.Kristen@epa.gov)>; Fairchild, Susan <[Fairchild.Susan@epa.gov](mailto:Fairchild.Susan@epa.gov)>; Throwe, Scott <[Throwe.Scott@epa.gov](mailto:Throwe.Scott@epa.gov)>; Strum, Madeleine <[Strum.Madeleine@epa.gov](mailto:Strum.Madeleine@epa.gov)>; Weinstock, Lewis <[Weinstock.Lewis@epa.gov](mailto:Weinstock.Lewis@epa.gov)>; Wayland, Richard <[Wayland.Richard@epa.gov](mailto:Wayland.Richard@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>; Froikin, Sara <[Froikin.Sara@epa.gov](mailto:Froikin.Sara@epa.gov)>; McClintock, Katie <[McClintock.Katie@epa.gov](mailto:McClintock.Katie@epa.gov)>

**Cc:** Lamason, Bill <[Lamason.Bill@epa.gov](mailto:Lamason.Bill@epa.gov)>

**Subject:** TRI Reporting Thresholds

Keith,

Below are TRI reporting thresholds.

A facility must report to TRI if the following criteria are met.

- The facility has NAICS Codes cited in the rule. This basically covers the following categories with some exceptions: mining (212\*), utilities (221\*), manufacturing (31\* - 33\*), miscellaneous manufacturing (1119\*, 1131\*, 2111\*, 4883\*, 5417\*, and 8114\*), merchants wholesalers of durable goods (424\*), wholesale electronic markets and agents (425\*), Publishing (511\*, 512\*, and 519\*), Hazardous Waste Treatment (562\*), and Federal facilities.

- The facility must have 10 or more full-time employees equivalents (a total of 20,000 hours or more).

- The facility manufactures (defined to include importing), processes, or otherwise uses any listed chemical in quantities greater than thresholds during a calendar year.

- For non-PBT chemicals: 25,000 lbs or more of listed chemical that is manufactured or processed or 10,000 lbs or more of a listed chemical that is used.

- For PBT chemicals: There are lesser quantity thresholds for PBTs. If a facility manufactures, processes or otherwise uses a chemical in excess of a single threshold, the facility is subject to reporting. I have listed a subset of the pollutant thresholds for PBTs. I did not include CAA listed pesticides.

- Dioxins/Furans 0.1 gram
- Lead and Compounds 100 pounds
- Mercury and Compounds 10 pounds
- PCBs 10 pounds
- POM compounds 100 lbs

Thanks

Anne